

Serial No. 09/728,207

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Atty. Docket No. SPO-012C

REMARKS

At the outset, Applicants wish to thank Examiner Chen for withdrawing the various non-provisional rejections set forth in the Final Office Action. In response to the newly promulgated rejection of claims 1, 4-6, 11-13, 16, and 17 under the judicially created doctrine of obviousness-type double patenting for being obvious in view of the claims of U.S. Patent No. 6,828,138 (issuing from co-pending Application No. 09/132,521), to expedite prosecution, Applicants submit herewith a terminal disclaimer under 37 C.F.R. § 1.321 for U.S. Patent No. 6,828,138 and the requisite disclaimer fee of \$130.00. Accordingly, Applicants submit that this rejection is moot and respectfully request reconsideration and withdrawal of this rejection as well as the remaining provisional obviousness-type double patenting rejections. As claims 1, 4-13, 15, 18, 20, 22, 27, and 28 pending herein are in condition for allowance, Applicants respectfully petition for entry of the instant response and an early notice of allowance. If the Examiner believes a conference would expedite prosecution, she is cordially invited to contact the undersigned.

In view of the Petition for One Month Extension of Time submitted herewith, Applicants submit that this response is timely and no additional fee is required. However, in the event that additional fees are required to process this response and/or maintain the pendency of this application, the Commissioner is authorized to charge such fees to our Deposit Account No. 50-2101.

Respectfully submitted,

Date: 12/22/04By: 

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